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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/761,678

01/20/2004

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03/16/2006

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EXAMINER

NGUYEN, ANTHONY H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/761,678

Applicant(s)

SAITO, TOSHIYUKI MAX

Examiner

Anthony H. Nguyen

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/20/04 &amp; 1/13/06</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Applicant's election of Group I, claims 1-14 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9, 11, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Okura et al. (US RE37,470 E).

With respect to claims 1, 7, 9, 11 and 12, Okura et al. teaches an apparatus which meets the structure as broadly recited. For example, Okura et al. teaches an apparatus 22 having a frame 20, a base plate 34 that supports a flex support 41c for supporting a holder plate 41 which includes the support members or fingers 41a for securing the substrate (W) in place and a slider assembly 66 and 67 as shown in Figs. 4-9 of Okura et al. With respect claims 2 and 3, Fig.7 of Okura et al. shows the fingers 41a which are coupled to a pivot 35 via the base plate 34 (Okura et al. , col.3, lines 15-24) and a flexure joint (no numeral reference) located between the flex supports 41c (at the end of the rectangular hole 41e). With respect to claims 4-6 and 14, the disk (w) is

secured by the fingers at the outer dimension of the disk and the fingers are moved when the stay 41d is slid (Okura et al., col.7, lines 44-46).

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 10 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Okura et al. (US RE37,470 E) in view of Kakizaki et al. (US 5,894,056).

With respect to claim 8, Okura et al. teaches an apparatus having substantially the structure as recited. See the explanation of Okura et al. above. Okura et al. does not teach clearly the slider assembly which includes the X-Y servo slide. Kakizaki et al. teaches the conventional slider assembly 12 which includes driving units 12A, 12B and 12C or the servo slide as shown in Fig.2 of Kakizaki et al. In view of the teaching of Kakizaki et al., it would have been obvious to one of ordinary skill in the art to modify the slider of Okura et al. by providing the servo slide as taught by Kakizaki et al. for moving the substrate in the X and Y directions.

With respect to claims 9, the use of the first slider and the second slider which are move in the first axis and the second axis is well known in the art as exemplified by Kakizaki et al. See Kakizaki et al., Figs. 2-12.

### ***Allowable Subject Matter***

As presently advised it appears that claim 13 avoids the prior art but are objected to as depending from the rejected claims. This claim if properly rewritten in independent form would be allowable.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach the flexure assembly which comprises a plurality of fingers linked together with flexure joints.

### ***Conclusion***

The patents to Kronfeld et al., Freund, Wada et al. and Korenaga are cited to show other structures having obvious similarities to the claimed structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168.

Art Unit: 2854

The fax phone number for this Group is (571) 273-8300.

A handwritten signature in cursive script that reads "Anthony Nguyen".

Anthony Nguyen  
03/10/06  
Patent Examiner  
Technology Center 2800